Calendar No. 317

102D CONGRESS
*1st Session*

SENATE

REPORT
102-211

# LENGTHENING THE PERIOD FOR CONSTRUCTION OF COMMEMORATIVE WORKS ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA

NOVEMBER 12, 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany H.R. 3169]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3169), to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

### PURPOSE OF THE MEASURE

The purpose of H.R. 3169, as ordered reported, is to lengthen the legislative authority for commemorative works on Federal land in and around the District of Columbia from 5 to 7 years.

### BACKGROUND AND NEED

The Commemorative Works Act, Public Law 99-652, provides procedures and standards for the placement of commemorative works on Federal lands in and around the District of Columbia. The Act defines a commemorative work as a statute, monument, sculpture, memorial or other structure or landscape feature designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history.

Section 10 of the Commemorative Works Act requires that construction of a commemorative work must begin within 5 years after the work is authorized by Congress. Currently, the legislative authority for several authorized memorials has recently expired or will shortly expire, including the Francis Scott Key, Black Revolutionary War Patriots, Korean War Veterans, Peace Garden, and Women in the Military Service memorials.

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## SUMMARY OF H.R. 3169

Section 10(b) of the Commemorative Works Act provides that the legislative authority for a commemorative work shall expire 5 years after the commemorative work is authorized by Congress, unless a construction permit has been issued for such commemorative work. H.R. 3169 amends section 10(b) to increase the 5 year timer period to 7 years.

Section 2 of H.R. 3169 provides that the amendment made by this Act shall take effect on October 1, 1991. This provision makes clear that upon enactment of this Act, the 2-year extension is to apply to any memorial authorized by Congress whose legislative authority has expired between October 1, 1991 and the date of enactment of this Act.

## LEGISLATIVE HISTORY

H.R. 3169 passed the House of Representatives by a voice vote on October 21, 1991. At the business meeting on October 30, 1991, the Committee on Energy and Natural Resources ordered H.R. 3169 favorably reported. Although the Committee did not hold a hearing on H.R. 3169, the Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 855, which would have extended the legislative authority for the Korean War Veterans Memorial, on June 20, 1991. S. 855 was unanimously reported by the Committee on July 17, 1991 (S. Rept. 102-128) and passed the Senate by a voice vote on July 31, 1991.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 30, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 3169 as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

| YEAS | NAYS |
|---|---|
| Mr. Johnston | |
| Mr. Bumpers | |
| Mr. Ford* | |
| Mr. Bradley* | |
| Mr. Bingaman | |
| Mr. Wirth | |
| Mr. Conrad | |
| Mr. Akaka* | |
| Mr. Fowler* | |
| Mr. Shelby* | |
| Mr. Wellstone* | |
| Mr. Wallop | |
| Mr. Hatfield | |
| Mr. Domenici | |
| Mr. Murkowski | |
| Mr. Nickles* | |
| Mr. Burns | |
| Mr. Craig | |
| Mr. Seymour* | |
| Mr. Garn | |

* Indicates voted by proxy.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, November 6, 1991.*

Hon. J. BENNETT JOHNSTON, JR.,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3169, an act to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on federal land in the District of Columbia and its environs. H.R. 3169 was ordered reported by the Senate Committee on Energy and Natural Resources on October 30, 1991. Enactment of the legislation would have no impact on the federal budget or on those of state or local governments. The act would not affect direct spending or receipts and thus would not require any pay-as-you-go scoring under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 3169 would extend for two years the deadline by which individuals or organizations must obtain building permits for the construction of authorized commemorative works in the Washington, D.C. area. Under current law, all capital-area commemorative works must be specifically authorized by legislation. Authority for a given project automatically expires five years after enactment unless the sponsoring individual or organization has obtained a final construction permit from the appropriate federal agency. H.R. 3169 would grant these parties an additional two years in which to obtain permits, thereby providing more time for planning, fundraising, and design. Federal participation in this process would be unchanged by the extension.

On October 17, 1991, CBO prepared a cost estimate for H.R. 3169 as ordered reported by the House Committee on Interior and Insular Affairs on October 16, 1991. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer, Director).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3169. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3169, as ordered reported.

## Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act, H.R. 3169, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## Act of November 14, 1986

AN ACT To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes

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### MISCELLANEOUS PROVISIONS

Sec. 10.(a) Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary or the Administrator (as appropriate) and shall be permanently maintained in the manner provided by law.

(b) Any legislative authority for a commemorative work shall expire at the end of the [five-year period] *seven-year period* beginning on the date of the enactment of such authority, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

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